

### **REMARKS**

This Amendment is responsive to the Office Action identified above, and is further responsive in any other manner indicated below.

### **PENDING CLAIMS**

Claims 1-20 were pending, under consideration and subject to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is presently interested. At entry of this paper, Claims 1-25 will be pending for consideration and examination in the application.

### **REJECTION UNDER §112, 2<sup>ND</sup> ¶ OBVIATED VIA CLAIM AMENDMENT**

Claims 8-11 and 18-20 have been rejected under 35 USC §112, 2<sup>ND</sup> ¶ as being indefinite for the concerns listed within the section numbered "2" on page 2 of the Office Action. Appropriate ones of such claims have been carefully reviewed and carefully amended where appropriate in order to address the Office Action listed concerns. As the foregoing is believed to have addressed all §112, 2<sup>ND</sup> ¶ concerns, reconsideration and withdrawal of the rejection are respectfully requested.

### **REWRITTEN ALLOWABLE CLAIMS**

Claims 3 and 4 have been indicated as being allowable if rewritten, as indicated within the section number "8" on page 4 of the Office Action, and such claims have been so rewritten. Further, such claims have been minorly amended (*e.g.*, to improve clarity, correct antecedents, remove extraneous portions) within this paper in a manner believed not to affect an allowability thereof. Renewal of the allowance are respectfully requested, and Applicant and the undersigned respectfully thank the Examiner for such indication of allowable subject matter.

### **ALLOWABLE CLAIMS DUE TO PARALLELISM**

Unrelated to any scope or prior art rejections, amended independent Claim 7 (and Claims 15-17 and 22 dependent therefrom) now contain the allowable feature of independent Claim 3, *i.e.*, magnetic field adjusting means (or shims) in both the inside and outside of the through hole. Owing to such parallelism, such claims should likewise be allowable over the prior art of record. Accordingly, consideration and express written allowance of such claims are respectfully requested.

### **ALL REJECTIONS UNDER 35 USC §§102 AND 103 - TRAVERSED**

All 35 USC rejections are respectfully traversed. All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated herein by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following.

Unrelated to any prior art rejection, Claims 7, 15-17 and 22 have now been amended as indicated above (to include the allowable Claim 3 feature), thus rendering this rejection of such claims obsolete at this time. Patentability of remaining ones of the rejected claims are supported as follows.

In order to properly support a §102 anticipatory-type rejection, any applied art reference must disclose each and every limitation of any rejected claim. The applied art does not adequately support a §102 anticipatory-type rejection because, at minimum, such applied art does not disclose (or suggest) the following discussed limitations of Applicant's claims.

Applicant's independent Claim 1 (and Claims 2, 5-6, 12-14, 21 and 24 by dependency) claim "magnetic field adjusting means arranged at the uniform static magnetic field space side of the cooling vessel, so as to further adjust the magnetic field uniformity of the uniform static magnetic field space region." In direct contrast, illustrated shimming or correcting coils 43A, 44A, 45A, 43B, 44B, 45B of Takeshima *et al.* (assigned to one common assignee (Hitachi Medical Corp) as the present application) are CONSISTENTLY illustrated INSIDE of the coolant container 11. Applicant claims magnetic field adjusting means arranged "at the ...side of the cooling vessel", and "at the side" means on the OUTSIDE of the cooling vessel, NOT INSIDE, as is illustrated by Takeshima *et al.*

Cortions 8, lines 27-33 and 51-52 of Takeshima *et al.* teach that the coolant containers 11A and 11B may be shaped like doughnuts having "central portions 51A and 51B," and that "bores" may be formed off of the central portions 51A and 51B, and "shimming means ...may be placed in the bores." If bores are extending off of the central portions 51A and 51B, such bores must extend INTO the internal sides of

the doughnut shaped cooling vessel, and appear to be INSIDE the cooling vessel of Takeshima *et al.* (*i.e.*, as mentioned previously, the shimming or correcting coils 43A, 44A, 45A, 43B, 44B, 45B illustrated in Takeshima *et al.* are CONSISTENTLY illustrated INSIDE of the coolant container 11). Further, even if such bore-positioned coils were not INSIDE the coolant container, such bore-positioned coils still would not meet Applicant's limitations "at the uniform static magnetic field space side of the cooling vessel" (*i.e.*, such bore-positioned coils would be facing the central portions 51A and 51B).

The other applied references do not correct the deficiency mention above with respect to the primary reference to Takeshima *et al.*

Turning next to dependent Claim 2, such claim has magnetic field adjusting means both "at the uniform static magnetic field space side of the cooling vessel" and "arranged at a predetermined position of the through hole," and accordingly, such claim has adjusting means in both the inside and outside of the through hole, and should be allowable for the same reasons as is allowable Claim 3.

Claims 12-14 and 24 have features/limitations which even further reinforce that the magnetic field adjusting means are arranged "at the ...side [NOT INSIDE] of the cooling vessel." More particularly, Claim 12 recites "wherein the magnetic field adjusting means is arranged between the uniform static magnetic field space and the cooling vessel," Claim 13 recites "wherein the magnetic field adjusting means is arranged along a cooling vessel side-wall which faces the uniform static magnetic field space," Claim 14 recites "wherein ones of the magnetic field adjusting means are provided on differing layers arranged between the uniform static magnetic field space and the cooling vessel," and Claim 24 recites "wherein the magnetic field

adjusting means is between the space region and the cooling vessel, at the uniform static magnetic field space side of the cooling vessel." Again, the illustrated shimming or correcting coils 43A, 44A, 45A, 43B, 44B, 45B of Takeshima *et al.* are CONSISTENTLY illustrated INSIDE of the coolant container 11.

Similar arguments can be made for independent Claim 8 (and Claims 9-11, 18-20, 23 and 25 depending therefrom) as was made above for independent Claim 1, *i.e.*, independent Claim 8 similarly claims "at least one magnetic shim arranged at the uniform static magnetic space region side of the respective containers."

Dependent Claim 9 can be argued in the same manner as dependent Claim 2, *i.e.*, as being allowable like Claim 3 given that such claim has shims arranged in both the inside and outside of the through hole.

Claims 18-20 and 25 can be parallely argued in a manner similar to Claims 12-14 and 24 argued above.

Again, none of the applied references correct the deficiency mention above with respect to the primary reference to Takeshima *et al.*

As a result of all of the foregoing, it is respectfully submitted that the applied art would not support a §102 anticipatory-type rejection or §103 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such §§102 and 103 rejections, and express written allowance of all of the rejected claims, are respectfully requested. Further, at this point, it is respectfully submitted as a reminder that, if new art is now cited against any of Applicant's unamended claims, then it would not be proper to make a next Action final.

### **RESERVATION OF RIGHTS**

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer of any scope or subject matter. Further, Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, *i.e.*, Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

### **EXAMINER INVITED TO TELEPHONE**

The Examiner is invited to telephone the undersigned at the local D.C. area number of 703-312-6600, to discuss an Examiner's Amendment or other suggested action for accelerating prosecution and moving the present application to allowance.

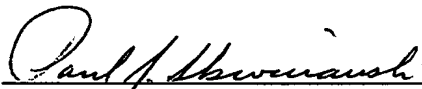
### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully submits that all of the claims listed above as presently being under consideration in the application are in condition for allowance. Accordingly, allowance of such claims is respectfully requested.

This Amendment is being submitted within the shortened statutory period set by the 24 November 2003 Office Action, and therefore, no Petition or fee is required. To whatever other extent is actually appropriate, Applicant respectfully petitions the

Commissioner for an extension of time under 37 CFR §1.136. Further, no additional claim fees are required for entry of this paper (3 dependent claims canceled, 3 dependent claims added). Please charge any actual fees to ATS&K Deposit Account No. 01-2135 (as Case 500.41391X00).

Respectfully submitted,

A handwritten signature in cursive script, reading "Paul J. Skwierawski", positioned above a horizontal line.

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